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10/029,667	10/22/2001	Joshua Miles Chase	104348	5068

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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2452

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/029,667	Applicant(s) CHASE ET AL.	
	Examiner DOHM CHANKONG	Art Unit 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-49 and 51-54 is/are rejected.
- 7) ☒ Claim(s) 50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's amendment filed on 4/28/2009. Claims 43-54 are amended. Claims 1-42 were previously cancelled. Accordingly, claims 43-54 are presented for further examination.

2. This action is a final rejection.

Response to Arguments

3. Applicant argues that none of the cited references teach an intercepting device that maintains access to the secondary addresses. Contrary to Applicant's argument, Gupta discloses a proxy that reads on this limitation. Specifically, Gupta discloses a proxy that intercepts requests from a client that are intended for a server [Fig. 4a]. Gupta's proxy also maintains access to cached advertisements (secondary content) and their URLs (secondary addresses) [abstract: "advertisement may be stored in the proxy's cache" | column 10 «lines 32-40»].

Applicant's other arguments with respect to claims 43-54 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

4. Claim 50 is objected to as being dependent upon a rejected base claim, but would be allowable *if rewritten in independent form including all of the limitations of the base claim and any intervening claims*.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 43-47 and 52-54 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schmid et al, U.S. Patent No. 6.438.578 ["Schmid"], in view of Gupta et al, U.S. Patent No. 6.487.538 ["Gupta"], in further view of Bandera et al, U.S. Patent No. 6.332.127 ["Bandera"].

6. As to claims 43 and 54, while Schmid discloses an intercepting device that maintains access to supplemental information, Schmid does not expressly disclose maintaining access to the network addresses for those pieces of supplemental information. However, it is inherent that the supplemental information has associated network addresses as further illustrated by Gupta. Like Schmid, Gupta is directed to a system for intercepting requests for information and retrieving supplemental content from a supplemental content source, such as an ad server [Fig. 4a | Fig. 5]. Gupta further discloses a proxy that intercepts the client requests and maintains access to secondary addresses by caching the secondary content within the proxy [abstract: "advertisements may be stored in the proxy cache" | Fig. 4a | column 10 «lines 32-40»: "URL information specifying the advertisements for proxy 402 to fetch from the web server for the advertiser"].

Therefore, it would have been obvious to one of ordinary skill in the art to have modified

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Schmid's ad insertion machine to have maintained access to the supplemental content addresses as taught by Gupta. Such a modification is an example of using a known technique (Gupta's proxy cache storing secondary content) to improve similar systems (Schmid's intercepting server) in the same way (Schmid's server improved so that it caches the secondary content and their URLs). *See MPEP § 2143.*

7. Also with respect to claims 43 and 52, while Schmid does disclose that retrieved secondary content are "related" to the intercepted request, Schmid does not expressly disclose an intercepting device extracting request criteria from the intercepted request. However, such a feature was well known in the art at the time of Applicant's invention as evidenced by Bandera.

Like Schmid, Bandera discloses a system for providing secondary content "related" to a client's request. While Schmid is silent as to how this process is carried out, Bandera further discloses extracting criteria from a client's request [Fig. 3 «item 102, 104»: location information | Fig. 2 «item 23»: location information part of request header | column 7 «lines 15-18»].

It would have been obvious to one of ordinary skill in the art to have modified Schmid to include Bandera's extraction functionality. Such a modification is an example of using a known technique (Bandera's extraction of criteria to select related advertisements) to improve similar systems (Schmid's related advertisements) in the same way (Schmid's system improved so that the advertisements are directly related to a user's request and location). *See MPEP § 2143.*

8. All citations are to Schmid unless otherwise noted.

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9. As to claims 43 and 54, Schmid as modified by Gupta and Bandera discloses a method performed in an intercepting communications device, the method comprising:

maintaining, in the intercepting communications device, access to a plurality of second content addresses, where a second content address identifies secondary content located at a secondary content source [column 6 «lines 41-56» & *Gupta*, column 10 «lines 32-40»];

intercepting an initial request [Figure 1 «item 24» | column 9 «lines 65-67» where : interception means intercepts a packet intended for the requested information source | column 10 «lines 17-21»], for initial content made by a requesting device before the initial request arrives at an intended destination, the intended destination being an initial content source [column 9 «line 65» to column 10 «line 11»];

extracting at least one request criteria from the intercepted initial request [*Bandera*, Fig. 3 «item 102, 104»: location information | Fig. 2 «item 23»: location information part of request header | column 7 «lines 15-18»];

creating redirection information by processing the at least one request criteria to determine an identity of secondary content to be retrieved by the requesting device [column 6 «lines 48-50» | *Bandera*, Fig. 7 «item 104»]; and

transmitting the redirection information to the requesting device without transmitting secondary content from the intercepting communications device to the request device [column 6 «lines 41-44» : Schmid's ad insertion server transmits format and request instructions which cause the client to request the supplemental information].

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10. As to claim 44, Schmid as modified by Gupta does not expressly disclose extracting the at least one request criteria from at least one protocol header and matching the extracted request criteria to at least one of the plurality of secondary content addresses. However, such a feature was well known in the art at the time of Applicant's invention. For example, Bandera the claimed features. Specifically, Bandera discloses extracting a request criteria from the least one protocol header on the intercepted initial request [column 6 «lines 57-60» | column 7 «lines 9-17» : location information is conveyed within the HTTP header]. Bandera also discloses matching the at least one extracted requested criteria to at least one of the plurality of secondary content addresses [column 7 «lines 20-27» : plurality of advertising objects that are mapped to location information].

It would have been obvious to one of ordinary skill in the art to have modified Schmid to include the extraction and matching functionality as taught in Bandera. One would have been motivated to adapt Schmid as Bandera teaches that such functionality provides the ability to provide relevant advertisements to a user based on the extracted criteria (location).

11. As to claim 45, Schmid as modified by Gupta does not expressly disclose the matching feature in claim 44 further includes determining desirable secondary content by identifying at least one of the plurality of secondary content addresses that maps to content related to the at least one extracted request criteria or capturing an address from the at least one of the plurality of secondary content addresses. However, these features were well known in the art at the time of Applicant's invention.

Bandera discloses both:

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determining desirable secondary content by identifying at least one of the plurality of secondary content addresses that maps to content related to the at least one extracted request criteria [column 7 «lines 24-27» : lookup table with associations between advertising objects and location information]; and

capturing an address from the at least one of the plurality of secondary content addresses that maps to content related to the at least one extracted request criteria [column 7 «lines 28-40»].

It would have been obvious to one of ordinary skill in the art to have modified Schmid with Bandera's teachings of identifying secondary content addresses that are mapped to the requests in order to tailor the secondary content to user interests. One would have been motivated to adapt Schmid as Bandera teaches that such functionality provides the ability to provide relevant advertisements to a user based on the extracted criteria (location).

12. As to claim 46, Schmid as modified by Gupta does not expressly disclose identifying at least one of the plurality of secondary content addresses including at least one of identifying content based on a source, geographic, or content indication related to the at least one extracted request criteria.

Bandera discloses identifying content related to at least one source indication from the at least one extracted request criteria, that has at least one geographic indication related to at least one geographic location of the communications device or from the at least one extracted request criteria [column 7 «lines 32-40»], that has at least one geographic indication related to at least one geographic indication from the at least one extracted request criteria, and related to at least

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one initial content indication from the at least one extracted request criteria [Fig. 3 | Fig. 7]. It would have been obvious to one of ordinary skill in the art to have modified Schmid with Bandera's teachings of identifying secondary content addresses related to the geographic location of the communications device. One would have been motivated to adapt Schmid as Bandera teaches that such functionality provides the ability to provide relevant advertisements to a user based on the extracted criteria (location and time of day).

13. As to claim 47, Schmid as modified by Gupta and Bandera discloses capturing at least one Internet address for at least one advertisement that is related to the at least one extracted request criteria, the at least one advertisement programmed to be displayed with respect to a display of the initial content [column 6 «lines 48-50» where : Schmid does not expressly disclose extracting request criteria. However, Schmid discloses that the advertisements are "related in some way to the requested information." This teaching implies extracting from the requested information some criteria in order to retrieve the related advertisements]. Also, see Bandera [column 7 «lines 15-27»].

14. As to claim 52, Schmid as modified by Thompson and Gupta discloses:

determining the identity of the secondary content relative to at least one of a geographic indication, a source indication, and a content indication in the at least one request criteria extracted from the intercepted initial request [column 6 «lines 48-50»].

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15. As to claim 53, Schmid as modified by Thompson and Gupta discloses intercepting the initial request at an entry point to the Internet [Figure 1 «item 10»].

16. Claim 48, 49, and 51 is rejected under 35 U.S.C. §103(a) as being unpatentable over Schmid, Thompson, and Gupta, in view of Subramaniam.

17. As to claim 48, Schmid as modified by Gupta, Bandera, and Subramaniam discloses creating redirection information includes:

concatenating a first redirection code and at least one second redirection code

[*Subramaniam*, column 7 «lines 12-20 and 47-58»];

the first redirection code operable to instruct the requesting device to reinitiate retrieval of the initial content; the at least second redirection code operable to instruct the requesting device to initiate retrieval of the second content [column 6 «lines 8-28 and 41-44» where : Schmid's request instructions for the requested information and the supplemental information read on Applicant's redirection code | *Subramaniam*, column 7 «lines 12-20 and 47-58»]; and

separating the first redirection code and the second redirection code by a delimiter [column 6 «lines 8-28 and 41-44» | *Subramaniam*, column 7 «lines 12-20 and 47-58»].

Schmid does not expressly disclose a delimiter. However, a delimiter is merely a character or series of characters to mark a boundary between regions in a data stream such as a within a packet. Subramaniam discloses that delimiters are well known in the art and are necessary to enable a requesting device to differentiate between the request instructions for the requested information and the supplemental information.

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Therefore, it would have been obvious to one of ordinary skill in the art to have modified Schmid's format and request instructions to include the delimiter as taught by Subramaniam. Subramaniam discloses that the delimiter enables two different URLs to be sent as a single redirect link.

18. As to claim 49, Schmid as modified by Thompson, Gupta, and Subramaniam discloses:

including an address of the initial content source in the first redirection code [column 5 «lines 28-35» | *Subramaniam*, column 7 «lines 12-20 and 47-58»]; and

including an address of the at least one secondary content source in the second redirection code [column 6 «lines 41-47» | *Subramaniam*, column 7 «lines 12-20 and 47-58»].

19. As to claim 51, Schmid as modified by Thompson and Gupta does not expressly disclose the delimiter separating the first code and the second code indicates to the requesting device an existence of a secondary content condition. However, such a feature was well known in the art at the time of Applicant's invention. For example, Subramaniam discloses providing a delimiter to be detected by the requesting device, such detection indicating to the requesting device an existence of a secondary content condition [column 7 «lines 12-20 and 47-58»]. It would have been obvious to one of ordinary skill in the art to have modified Schmid's system to include the delimiter feature as taught in Subramaniam. Subramaniam discloses that the delimiter enables two different URLs to be sent as a single redirect link.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571.272.3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm Chankong/
Primary Examiner, Art Unit 2452